DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration
Rockville MD 20857

Re: DIFFERIN Topical Gel
(5,212,303)
Docket No. 96E-0355

JAN 21 1997

The Honorable Bruce Lehman
Assistant Secretary of Commerce and
Commissioner of Patents and Trademarks
Box Pat. Ext.
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Commissioner Lehman:

This is in regard to the application for patent term extension for U.S. Patent No. 5,212,303, filed by Centre International de Recherches Dermatologiques ("CIRD"), under 35 U.S.C. § 156 et seq. We have reviewed the dates contained in the application and have determined the regulatory review period for DIFFERIN Topical Gel, the human drug product claimed by the patent.

The total length of the regulatory review period for DIFFERIN Topical Gel is 2,447 days. Of this time, 1,401 days occurred during the testing phase and 1,046 days occurred during the approval phase. These periods of time were derived from the following dates:

1. The date an exemption under subsection 505(i) of the Federal Food, Drug, and Cosmetic Act involving this drug product became effective: September 20, 1989.

   FDA has verified the applicant's claim that the date the Investigational New Drug application became effective was on September 20, 1989.

2. The date the application was initially submitted with respect to the human drug product under subsection 505(b) of the Federal Food, Drug, and Cosmetic Act: July 21, 1993.

   The applicant claims July 15, 1993, as the date the New Drug Application (NDA) for DIFFERIN Topical Gel (NDA 20-380) was initially submitted. However, FDA records indicate that NDA 20-380 was submitted on July 21, 1993.

3. The date the application was approved: May 31, 1996.

   FDA has verified the applicant's claim that NDA 20-380 was approved on May 31, 1996.

This determination of the regulatory review period by FDA does not take into account the effective date of the patent, nor does it exclude one-half of the testing phase as required by 35 U.S.C. § 156(c)(2).

Please let me know if we can be of further assistance.

Sincerely yours,

Stuart L. Nightingale, M.D.
Associate Commissioner
for Health Affairs

cc: Norman H. Stepno
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